



U.S. DEPARTMENT OF HOMELAND SECURITY

**FISCAL YEAR 2010**

**NATIONAL INCIDENT MANAGEMENT SYSTEM  
(NIMS)**

**GUIDANCE AND APPLICATION KIT**

**APRIL 2010**



U.S. DEPARTMENT OF HOMELAND SECURITY

**Title of Opportunity:** National Incident Management System (NIMS)

**Funding Opportunity Number:** DHS-10-NPD-107-000-04

**Federal Agency Name:** U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA)

**Announcement Type:** Initial

**Dates:** Completed applications must be submitted **no later than 11:59 PM EST, May 7, 2010.**

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## **PART I.**

# **FUNDING OPPORTUNITY DESCRIPTION**

The mission of the Federal Emergency Management Agency (FEMA) is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards. FEMA both leads and supports the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.

Homeland Security Presidential Directive 5 (HSPD-5) "Management of Domestic Incidents", signed on February 28, 2003, called for the establishment of a single, comprehensive National Incident Management System (NIMS). The NIMS is a system that improves emergency management/response operations through the use of the Incident Command System (ICS) and other standard procedures and preparedness measures. It also promotes development of multi-jurisdictional, State- and territory-wide and interstate regional mechanisms for coordinating incident management and obtaining assistance during large-scale or complex incidents.

The NIMS is the backbone of the nation's all-disciplines, all-hazards incident management plan. The NIMS provides standardized mechanisms for managing the flow of resources before, during, and after an incident occurs. Effective resource management ensures that physical resources are available to support awareness, prevention, preparedness, response, and recovery activities.

The Fiscal Year (FY) 2010 National Incident Management System (NIMS) provides funds to build and expand upon widely accepted practices and standard disciplines of existing public and private resource management systems. The purpose is to provide a comprehensive framework for managing all resources that contribute to maintaining a viable national capability. Resource management includes an understanding of the threat and risk environments that drive resource requirements, including both financial and physical needs and capabilities. With this understanding, appropriate capabilities, tools, and processes are developed and refined to formalize relationships among resource providers and users and to support the identification, standardization, funding, acquisition, property management, delivery, and documentation of resources to meet identified needs.

The NIMS confers responsibility to the National Integration Center (NIC) for facilitating the development and publication of national standards, guidelines, and protocols for the qualification and certification of emergency responder and incident management personnel, including the coordination of minimum professional certification standards

and facilitation of the design and implementation of a credentialing system that can be used nationwide.

Mutual aid is a priority of the National Strategy for the Department of Homeland Security and has been supported by FEMA for years. FEMA and its NIC see this initiative as a crucial element in the integration of NIMS into state emergency preparedness planning. Effective mutual aid agreements can help fill the resource gaps that a jurisdiction may have and help bring the skills, unique knowledge and tactical resources to the table to support NIMS and state-to-state mutual aid efforts such as the Emergency Management Assistance Compact.

The National Preparedness Directorate (NPD) will invite select organizations to apply under this solicitation. Cooperative agreements will be awarded to these eligible applicants to design, develop, and deliver content and support for NIMS in accordance with FEMA doctrine and approved Homeland Security Strategies. Funding for this year's solicitation is authorized by *The Department of Homeland Security Appropriations Act, 2010* (Public Law 111-83).

FEMA is committed to supporting these applicants during the proposal submission process. The purpose of this guidance and application kit is to provide:

1. An overview of the Fiscal Year 2010 NIMS
2. Award information
3. Listing of eligible applicants
4. Application kit and proposal requirements
5. Program and submission tools needed to apply for program funding

### ***Federal Investment Strategy***

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The NIMS is an important part of FEMA's larger, coordinated effort to strengthen homeland security preparedness. The NIMS supports objectives addressed in a series of post 9/11 laws, strategy documents, plans, and Homeland Security Presidential Directives (HSPDs), including the National Preparedness Guidelines. The Guidelines are an all-hazards vision regarding the Nation's four core preparedness objectives: to prevent, protect against, respond to, and recover from acts of terrorism and/or catastrophic events.

The Guidelines define a vision of what to accomplish and a set of tools—including investments—to forge a unified national consensus about what to do and how to work together at the Federal, State, local, and tribal levels. The Guidelines outline 15 scenarios that form the basis of much of the Federal exercise and training regimen. In addition, they identify 37 critical target capabilities that DHS/FEMA and its Federal, State, local, tribal, and private sector partners are making the focus of key investments.

DHS/FEMA expects FY 2010 NIMS recipients to be familiar with the national preparedness architecture and to incorporate elements of this architecture into their program planning, development, and delivery to the degree practicable. Additional information can be found at: <http://www.dhs.gov/xprepresp/publications>.

## ***Funding Priorities***

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FY2010 NIMS applicants need to submit proposals that:

Advance the state of NIMS through:

- development and deployment of consistent systems for the request, dispatch, use and return of resources in all States during all-hazard incidents requiring mutual aid
- continue coordination with the Agency and appropriate Federal agencies
- continue coordination with State, local, and tribal government entities and their respective national organizations
- assist State and local governments, emergency response providers, and organizations representing such providers with credentialing emergency response providers and the typing of emergency response resources
- development and delivery of training

or, advance the state of Mutual Aid through:

- development of Mutual Aid Compacts
- demonstrate and document lessons learned in efficient and effective sharing of resources
- pilot NIMS implementation tools such as ICS Forms, Responder Field Operations Guide and NIMS personnel qualifications process guide
- promote interoperability and shared common operating picture through technical assistance and outreach to partners
- support and participate in NIMS working groups
- assist partners and associates in reaching NIMS compliance

## **PART II.**

# **AWARD INFORMATION**

### ***Authorizing Statutes***

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*The Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83); the Post Katrina Emergency Management Reform Act of 2006 (Public Law 109-295); and the Homeland Security Act of 2002, as amended, 6 U.S.C. 101 et seq.*

### ***Award Period of Performance***

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The period of performance of this award is 12 months. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications on why an extension is required.

### ***Available Funding***

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In FY 2010, the total amount of funds distributed under this program will be \$7,085,000. Funding will be provided in the form of cooperative agreements directly to the selected applicants. Program authority and responsibility under these agreements resides with FEMA. FEMA will work with the individual recipients to review and refine work plans to ensure program goals and objectives can be effectively accomplished.

## PART III. ELIGIBILITY INFORMATION

### A. Eligible Applicants

The FY 2010 NIMS is a closed solicitation, available only to eligible organizations listed below. Receipt of funds under the FY 2010 NIMS is contingent upon submission and approval of the online application described in Part IV: Application and Submission Information. The deadline for applications is **11:59 PM EST, May 7, 2010**.

Based upon their current activities, FEMA invites the following organizations to apply:

- United South and Eastern Tribes, Inc
- Navajo Nation
- State of Alabama, Emergency Management Agency
- Council of State Governments, National Emergency Management Association
- International Association of Fire Chiefs
- International Association of Emergency Managers

### B. Cost Sharing

There is no required cost sharing, matching, or cost participation for the FY 2010 NIMS.

### C. Restrictions

Please see Part IV.E. for funding restrictions and allowable/unallowable costs guidance.

### D. Other

#### ***National Incident Management System Implementation Compliance***

In accordance with Homeland Security Presidential Directive (HSPD)-5, *Management of Domestic Incidents*, the adoption of the National Incident Management System (NIMS) is a requirement to receive Federal assistance, through grants, contracts, and other activities. The NIMS provides a consistent nationwide template to enable all levels of government, tribal nations, nongovernmental organizations, and private sector partners to work together to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity.

Federal FY 2009 NIMS implementation must be considered prior to allocation of any Federal awards in FY 2010. The primary grantee/administrator of FY 2010 NIMS award funds is responsible for determining if sub-awardees have demonstrated sufficient progress in NIMS implementation to disburse awards.





## PART IV.

# APPLICATION AND SUBMISSION INFORMATION

### A. Address to Request Application Package

FEMA makes all funding opportunities available through the common electronic “storefront” [grants.gov](http://www.grants.gov), accessible on the Internet at <http://www.grants.gov>. If you experience difficulties accessing information or have any questions please call the [grants.gov](http://www.grants.gov) customer support hotline at (800) 518-4726.

Application forms and instructions are available at Grants.gov. To access these materials, go to <http://www.grants.gov>, select “Apply for Grants,” and then select “Download Application Package.” Enter the CFDA and/or the funding opportunity number located on the cover of this announcement. Select “Download Application Package,” and then follow the prompts to download the application package. To download the instructions, go to “Download Application Package” and select “Instructions.”

### B. Content and Form of Application

The application must be completed and submitted using [www.grants.gov](http://www.grants.gov) after Central Contractor Registry (CCR) registration is confirmed. The on-line application includes the following required forms and submissions:

- NIMS Program Proposal, in full – Submit as an attachment
- Standard Form 424, Application for Federal Assistance
- Standard Form 424A, Budget Information (Non-construction)
- Standard Form 424B, Standard Assurances (Non-construction)
- Standard Form LLL, Disclosure of Lobbying Activities (if the recipient has engaged or intends to engage in lobbying activities)
- Grants.gov (GG) Lobbying Form, Certification Regarding Lobbying
- FEMA Form 20-16C, Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements.

The program title listed in the CFDA is “National Incident Management System.” The CFDA number is **97.107**.

1. **Application via [www.grants.gov](http://www.grants.gov).** All applicants must file their applications using the Administration's common electronic "storefront" - [www.grants.gov](http://www.grants.gov). Eligible grantees must apply for funding through this portal, accessible on the Internet at [www.grants.gov](http://www.grants.gov).
2. **Dun and Bradstreet Data Universal Numbering System (DUNS) number.** The applicant must provide a DUNS number with their application. This number is a required field within [www.grants.gov](http://www.grants.gov) and for CCR. Organizations should verify that they have a DUNS number, or take the steps necessary to obtain one, as soon as possible. Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at (866) 705-5711.
3. **Valid CCR Registration.** The application process also involves an updated and current registration by the applicant. Eligible applicants must confirm CCR registration at <http://www.ccr.gov>, as well as apply for funding through [www.grants.gov](http://www.grants.gov).

### C. Submission Dates and Times

Completed applications must be submitted electronically through [www.grants.gov](http://www.grants.gov) **no later than 11:59 PM EST, May 7, 2010**. Late applications will neither be considered nor reviewed. Upon successful submission, a confirmation e-mail message will be sent with a [www.grants.gov](http://www.grants.gov) tracking number, which is needed to track the status of the application.

### D. Intergovernmental Review

Executive Order 12372 requires applicants from State and local units of government or other organizations providing services within a State to submit a copy of the application to the State Single Point of Contact (SPOC), if one exists, and if this program has been selected for review by the State. Applicants must contact their State SPOC to determine if the program has been selected for State review. Executive Order 12372 can be referenced at <http://www.archives.gov/federal-register/codification/executive-order/12372.html>. The names and addresses of the SPOCs are listed on OMB's home page available at: <http://www.whitehouse.gov/omb/grants/spoc.html>.

### E. Funding Restrictions

DHS funds may only be used for the purpose set forth in the program, and must be consistent with the statutory authority for the award. Funds may not be used for matching funds for other Federal grants/cooperative agreements, lobbying, or intervention in Federal regulatory or adjudicatory proceedings. In addition, Federal funds may not be used to sue the Federal government or any other government entity.

Pre-award costs are allowable only with the written consent of DHS/FEMA and if they are included in the award agreement.

Federal employees are prohibited from serving in any capacity (paid or unpaid) on any proposal submitted under this program. Federal employees may not receive funds under this award.

## **F. Other Submission Requirements**

As a reminder, all NIMS recipients must:

1. Obtain/possess a valid DUNS number
2. Complete/update a valid CCR registration
3. Complete [www.grants.gov](http://www.grants.gov) application requirements
4. Complete and upload a NIMS Program Proposal in the required format
5. Submit only one online application prior to submission deadline

Please contact your National Integration Center (NIC) Program Manager with questions dealing with the scope, purpose, and application/proposal requirements for this solicitation. If you have general inquiries and your program manager is unavailable, please email Kyle Blackman at [kyle.blackman@dhs.gov](mailto:kyle.blackman@dhs.gov).

## PART V.

# APPLICATION REVIEW INFORMATION

### A. Review Criteria

Proposals must clearly demonstrate the applicant's ability to design, develop and deliver a program of national scope which provides tailored NIMS support and mutual aid, specialized to responders and/or citizens. The NIMS funds must enhance the Nation's capability to prevent, protect against, respond to, or recover from risks posed by incidents of national significance, including acts of terrorism and/or catastrophic events in accordance with program guidelines and guidance from DHS/FEMA. At a minimum, the application must include the following:

1. **Program Management Plan:** The applicant must provide a complete program management plan for the entire 12 month period of performance. This plan must include:
  - Goals, objectives, and outcomes of the proposal and the activities to be conducted to accomplish the goals, objectives, and outcomes of the proposal
  - Complete description of the program management structure addressing how the program will be structured, organized, and managed within the recipient's organization. The applicant must provide an organizational chart and describe how the organization will support the program
  - A high-level detailed program schedule to reflect the program life cycle and show phases, deliverables, and outcomes
  - Risk management plan describing the approach for identifying and managing risks, and identifying known or postulated events or factors that could prevent program objectives (cost, schedule, scope, performance, or quality) from being met
  - Performance-based evaluation plan, including program performance measures that will assess the attainment of goals, objectives, outcomes, and which details a data collection plan including how data will be analyzed
  - Quality control plan to be incorporated into the development and delivery of programs and courses
2. **Work Breakdown Structure:** The applicant will provide a work breakdown structure (WBS) as part of the application. A WBS is a task-oriented schematic of activities that organizes, defines and graphically displays the total work to be accomplished in order to achieve the final objectives of a project. Each descending level represents an increasingly detailed definition of the project objective. It is a system for subdividing a project into manageable work packages, components or elements to

provide a common framework for scope/cost/schedule communications, allocation of responsibility, monitoring and management.

- **Program Narrative:** Must include an explanation of how the proposal addresses the following elements:
  - The ability to build sustainable preparedness at the State, local, and tribal level
  - A capacity-building component for State, local, and tribal jurisdictions to employ themselves (e.g. job aids, planning tools, performance support tools, etc.)
  - A process for identifying lessons learned and best practices for inclusion in ongoing Department of Homeland Security efforts
  - Congruence with the National Preparedness Guidelines, NIMS, National Response Framework, and National Infrastructure Protection Plan
- **Detailed Budget:** The applicant must provide a detailed budget by task and a summary budget aggregating task costs into the categories of personnel, fringe benefits, travel, equipment, supplies, consultants/contracts, other costs, indirect costs, and the total budget
  - **Personnel:** Indicate the total projected salary and wages for all project personnel. Compensation paid for employees engaged in activities must be consistent with that paid for similar work within the applicant organization.
  - **Fringe Benefits:** Fringe benefits should be based on actual known costs or an established formula. Fringe benefits on overtime hours are limited to FICA, Workman's Compensation, and Unemployment Compensation.
  - **Travel:** Provide the total projected cost for travel. Applicants should determine costs by the projected number of trips X the number of people traveling X an average cost for travel and per diem (airfare, lodging, meals).
  - **Equipment:** Provide the total projected cost of non-expendable items that need to be purchased. Non-expendable equipment is tangible property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. Organization's own capitalization policy and threshold amount for classification of equipment may be used. Expendable items should be included either in the "Supplies" category or in the "Other" category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Rented or leased equipment costs should be listed in the "Contracts" category. Large equipment purchases must be identified and explained. For more information regarding property management standards for equipment, please reference 2 CFR Part 215, located at [http://www.whitehouse.gov/omb/fedreg/2004/040511\\_grants.pdf](http://www.whitehouse.gov/omb/fedreg/2004/040511_grants.pdf).
  - **Supplies:** Provide the total projected cost of supplies (e.g. office supplies, postage, training materials, copying paper, and other expendable items such

as books and hand held tape recorders). Organization's own capitalization policy and threshold amount for classification of supplies may be used. Generally, supplies include any materials that are expendable or consumed during the course of the project.

- **Construction Costs:** Construction costs are not allowable under this solicitation.
- **Consultants/Contracts:** Provide the total projected cost of consultants and contracts. The type of consultant/contract must be identified and justified.
- **Other Costs:** Provide a total projected cost of miscellaneous items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds).
- **Indirect Costs:** Indirect costs are allowed only if the applicant has a Federally approved indirect cost rate. A copy of the rate approval (a fully executed, negotiated agreement) will be required prior to an award. If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant Federal agency, which will review all documentation and approve a rate for the applicant organization, or if the applicant's accounting system permits, costs may be allocated in the direct costs categories. Applicant must identify their negotiated indirect cost rate.
- **Total Budget:** The total dollar value by category for all activities.

## **B. Review and Selection Process**

The applicant must provide a detailed budget for the funds requested. The detailed budget must be submitted with the application as a file attachment within [www.grants.gov](http://www.grants.gov). The budget must be complete, reasonable, and cost-effective in relation to the proposed project. The budget should provide the basis of computation of all project-related costs, any appropriate narrative, and a detailed justification of costs.

## **C. Anticipated Announcement and Award Dates**

FEMA will evaluate and act on applications following the close of the application period, consistent with the *Department of Homeland Security Appropriations Act, 2010* (Public Law 111-83). Awards will be made on or before September 30, 2010. Funds will not be made available for obligation, expenditure, or drawdown until the applicant's budget and budget narrative have been approved by FEMA.

## **PART VI.**

# **AWARD ADMINISTRATION INFORMATION**

### **A. Notice of Award**

Upon approval of an application, the cooperative agreement will be awarded to the recipient. The date that this is done is the “award date.” Notification of award approval is made through the Grants Management System (GMS). Once an award has been approved, a notice is sent to the authorized official. Follow the directions in the notification to accept your award documents. The authorized official should carefully read the award and special condition documents. If you do not receive a notification, please contact your FEMA Program Office for your award number. Once you have the award number, contact the GMS Help Desk at (888) 549-9901, option three, to obtain the username and password associated with the new award.

The period of performance is 12 months and begins on the Project Period/Budget Period start date listed in the award package. Any unobligated funds will be de-obligated at the end of the close-out period. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications why an extension is required. All extension requests must be submitted to FEMA at least 60 days prior to the end of the period of performance and must address:

- Reason for delay;
- Current status of the activity/activities;
- Approved period of performance termination date and new project completion date;
- Remaining available funds, both Federal and non-Federal;
- Budget outlining how remaining Federal and non-Federal funds will be expended;
- Plan for completion including milestones and timeframes for achieving each milestone and the position/person responsible for implementing the plan for completion; and
- Certification that the activity/activities will be completed within the extended period of performance without any modification to the original Statement of Work approved by FEMA.

### **B. Administrative and National Policy Requirements**

The recipient and any sub-recipient(s) must, in addition to the assurances made as part of the application, comply and require each of its subcontractors employed in the completion of the project to comply with all applicable statutes, regulations, executive orders, OMB circulars, terms and conditions of the award, and the approved application.



- 1. Standard Financial Requirements.** The recipient and any sub-recipient(s) shall comply with all applicable laws and regulations. A non-exclusive list of regulations commonly applicable to DHS grants and cooperative agreements are listed below:

**1.1 – Administrative Requirements.**

- 44 CFR Part 13, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*
- 2 CFR Part 215, *Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations* (OMB Circular A-110)

**1.2 – Cost Principles.**

- 2 CFR Part 225, *Cost Principles for State, Local, and Indian tribal Governments* (OMB Circular A-87)
- 2 CFR Part 220, *Cost Principles for Educational Institutions* (OMB Circular A-21)
- 2 CFR Part 230, *Cost Principles for Non-Profit Organizations* (OMB Circular A-122)
- 48 CFR 31.2, Federal Acquisitions Regulations (FAR), *Contracts with Commercial Organizations*

**1.3 – Audit Requirements.**

- OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*

**1.4 – Duplication of Benefits.** There may not be a duplication of any Federal assistance by governmental entities, per 2 CFR Part 225, Basic Guidelines Section C.3 (c), which states: Any cost allocable to a particular Federal award or cost objective under the principles provided for in this Authority may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the Federal awards, or for other reasons. However, this prohibition would not preclude governmental units from shifting costs that are allowable under two or more awards in accordance with existing program agreements. Non-governmental entities are also subject to this prohibition per 2 CFR Parts 220 and 230 and 48 CFR 31.2.

- 2. Payment.** DHS/FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to Recipients. To enroll in the DD/EFT, the Recipient must complete a Standard Form 1199A, Direct Deposit Form, found at <http://www.fms.treas.gov/eft/1199a.pdf>.

FEMA utilizes the FEMA Payment and Reporting System (PARS) for payments made under this program

(<https://isource.fema.gov/sf269/execute/LogIn?sawContentMessage=true>)

**2.1 – Advance Payment.** In accordance with Treasury regulations at 31 CFR Part 205, the Recipient shall maintain procedures to minimize the time elapsing between the transfer of funds and the disbursement of said funds (See 44 CFR Part 13.21(i)) regarding payment of interest earned on advances. In order to request an advance, the Recipient must maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of funds from DHS and expenditure and disbursement by the Recipient. When these requirements are not met, the Recipient will be required to be on a reimbursement for costs incurred method.

**NOTE: FUNDS WILL NOT BE AUTOMATICALLY TRANSFERRED UPON ISSUANCE OF THE COOPERATIVE AGREEMENT. RECIPIENTS MUST SUBMIT A REQUEST FOR ADVANCE/REIMBURSEMENT (SF-270) IN ORDER FOR THE FUNDS TO BE TRANSFERRED TO THE RECIPIENT’S ACCOUNT.**

**3. Non-supplanting Requirement.** Funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Applicants may be required to supply documentation certifying that a reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds.

#### **4. Technology Requirements.**

**4.1 – National Information Exchange Model (NIEM).** FEMA requires all recipients to use the latest NIEM specifications and guidelines regarding the use of Extensible Markup Language (XML) for all awards. Further information about the required use of NIEM specifications and guidelines is available at <http://www.niem.gov>.

**4.2 – Geospatial Guidance.** Geospatial technologies capture, store, analyze, transmit, and/or display location-based information (i.e., information that can be linked to a latitude and longitude). FEMA encourages recipients to align any geospatial activities with the guidance available on the FEMA website at <http://www.fema.gov/grants>.

**4.3 – 28 CFR Part 23 Guidance.** FEMA requires that any information technology system funded or supported by these funds comply with 28 CFR Part 23, *Criminal Intelligence Systems Operating Policies*, if this regulation is determined to be applicable.

#### **5. Administrative Requirements.**

**5.1 – Freedom of Information Act (FOIA).** FEMA recognizes that much of the information submitted in the course of applying for funding under this program or provided in the course of its management activities may be considered law

enforcement sensitive or otherwise important to national security interests. While this information under Federal control is subject to requests made pursuant to the *Freedom of Information Act* (FOIA), 5 U.S.C. §552, all determinations concerning the release of information of this nature are made on a case-by-case basis by the FEMA FOIA Office, and may likely fall within one or more of the available exemptions under the Act. The applicant is encouraged to consult its own State and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the application, needs assessment and strategic planning process. The recipient should be familiar with the regulations governing Sensitive Security Information (49 CFR Part 1520), as it may provide additional protection to certain classes of homeland security information.

**5.2 – Compliance with Federal civil rights laws and regulations.** The recipient is required to comply with Federal civil rights laws and regulations. Specifically, the recipient is required to provide assurances as a condition for receipt of Federal funds that its programs and activities comply with the following:

- *Title VI of the Civil Rights Act of 1964*, as amended, 42 U.S.C. §2000 et seq. – Provides that no person on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program or activity receiving Federal financial assistance. Title VI also extends protection to persons with Limited English Proficiency (LEP). (42 U.S.C. §2000d et seq.)
- *Title IX of the Education Amendments of 1972*, as amended, 20 U.S.C. §1681 et seq. – Provides that no person, *on the basis of sex*, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance.
- *Section 504 of the Rehabilitation Act of 1973*, as amended, 29 U.S.C. §794 – Provides that no otherwise qualified individual with a disability in the United States, shall, *solely* by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or subject to discrimination in any program or activity receiving Federal financial assistance.
- *The Age Discrimination Act of 1975*, as amended, 20 U.S.C. §6101 et seq. – Provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

Recipients must comply with all regulations, guidelines, and standards adopted under the above statutes. The recipient is also required to submit information, as

required, to the DHS Office for Civil Rights and Civil Liberties concerning its compliance with these laws and their implementing regulations.

**5.3 – Services to Limited English Proficient (LEP) persons.** Recipients of FEMA financial assistance are required to comply with several Federal civil rights laws, including Title VI of the Civil Rights Act of 1964, as amended. These laws prohibit discrimination on the basis of race, color, religion, natural origin, and sex in the delivery of services. National origin discrimination includes discrimination on the basis of limited English proficiency. To ensure compliance with Title VI, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. The recipient is encouraged to consider the need for language services for LEP persons served or encountered both in developing their proposals and budgets and in conducting their programs and activities. Reasonable costs associated with providing meaningful access for LEP individuals are considered allowable program costs. For additional information, see <http://www.lep.gov>.

**5.4 – Certifications and Assurances.** Certifications and assurances regarding the following apply:

- *Lobbying.* 31 U.S.C. §1352, *Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions.* – Prohibits the use of Federal funds in lobbying members and employees of Congress, as well as employees of Federal agencies, with respect to the award or amendment of any Federal grant, cooperative agreement, contract, or loan. FEMA and DHS have codified restrictions upon lobbying at 44 CFR Part 18 and 6 CFR Part 9. (Refer to form included in application package.)
- *Drug-free Workplace Act*, as amended, 41 U.S.C. §701 et seq. – Requires the recipient to publish a statement about its drug-free workplace program and give a copy of the statement to each employee (including consultants and temporary personnel) who will be involved in award-supported activities at any site where these activities will be carried out. Also, place(s) where work is being performed under the award (i.e., street address, city, state and zip code) must be maintained on file. The recipient must notify the FEMA Program Officer of any employee convicted of a violation of a criminal drug statute that occurs in the workplace. For additional information, see 44 CFR Part 17.
- *Debarment and Suspension.* – Executive Orders 12549 and 12689 provide protection from fraud, waste, and abuse by debarring or suspending those persons that deal in an irresponsible manner with the Federal government. The recipient must certify that they are not debarred

or suspended from receiving Federal assistance. For additional information, see 2 CFR Part 3000.

- *Federal Debt Status.* – The recipient may not be delinquent in the repayment of any Federal debt. Examples of relevant debt include delinquent payroll or other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129) (Refer to SF-424, item number 17.)
- *Hotel and Motel Fire Safety Act of 1990.* – In accordance with section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. §2225a, the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds, complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, 15 U.S.C. §2225.

Recipients must comply with all regulations, guidelines, and standards adopted under the above statutes.

### **5.5 – Integrating individuals with disabilities into emergency planning.**

Section 504 of the *Rehabilitation Act of 1973*, as amended, prohibits discrimination against people with disabilities in all aspects of emergency mitigation, planning, response, and recovery by entities receiving financial funding from FEMA. In addition, Executive Order 13347, *Individuals with Disabilities in Emergency Preparedness* signed in July 2004, requires the Federal government to support safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism. Executive Order 13347 requires the Federal government to encourage consideration of the needs of individuals with disabilities served by State, local, and tribal governments in emergency preparedness planning.

FEMA has several resources available to assist emergency managers in planning and response efforts related to people with disabilities and to ensure compliance with Federal civil rights laws:

- **Comprehensive Preparedness Guide 301 (CPG-301): Interim Emergency Management Planning Guide for Special Needs Populations:** CPG-301 is designed to aid tribal, State, territorial, and local governments in planning for individuals with special needs. CPG-301 outlines special needs considerations for: Developing Informed Plans; Assessments and Registries; Emergency Public Information/Communication; Sheltering and Mass Care; Evacuation; Transportation; Human Services/Medical Management; Congregate Settings; Recovery; and Training and Exercises. CPG-301 is available at <http://www.fema.gov/pdf/media/2008/301.pdf>.

- **Guidelines for Accommodating Individuals with Disabilities in Disaster:** The Guidelines synthesize the array of existing accessibility requirements into a user friendly tool for use by response and recovery personnel in the field. The Guidelines are available at <http://www.fema.gov/oe/reference/>.
- **Disability and Emergency Preparedness Resource Center:** A web-based “Resource Center” that includes dozens of technical assistance materials to assist emergency managers in planning and response efforts related to people with disabilities. The “Resource Center” is available at <http://www.disabilitypreparedness.gov>.
- **Lessons Learned Information Sharing (LLIS) resource page on Emergency Planning for Persons with Disabilities and Special Needs:** A true one-stop resource shop for planners at all levels of government, non-governmental organizations, and private sector entities, the resource page provides more than 250 documents, including lessons learned, plans, procedures, policies, and guidance, on how to include citizens with disabilities and other special needs in all phases of the emergency management cycle.

LLIS.gov is available to emergency response providers and homeland security officials from the Federal, State, and local levels. To access the resource page, log onto <http://www.LLIS.gov> and click on Emergency Planning for Persons with Disabilities and Special Needs under Featured Topics. If you meet the eligibility requirements for accessing Lessons Learned Information Sharing, you can request membership by registering online.

**5.6 – Environmental Planning and Historic Preservation Compliance.** FEMA is required to consider the potential impacts to the human and natural environment of projects proposed for FEMA funding. FEMA, through its Environmental Planning and Historic Preservation (EHP) Program, engages in a review process to ensure that FEMA-funded activities comply with various Federal laws including: *National Environmental Policy Act*, *National Historic Preservation Act*, *Endangered Species Act*, the *Clean Water Act*, and Executive Orders on Floodplains (11988), Wetlands (11990), Environmental Justice (12898). The goal of these compliance requirements is to protect our nation’s water, air, coastal, wildlife, agricultural, historical, and cultural resources, as well as to minimize potential adverse effects to low-income and minority populations.

The recipient shall provide all relevant information to FEMA to ensure compliance with applicable Federal EHP requirements. Any project with the potential to impact natural or biological resources or historic properties cannot be initiated until FEMA has completed the required EHP review. In addition to a detailed project description that describes what is to be done with the funds, how it will be

done, and where it will be done, recipients shall provide detailed information about the project (where applicable), including, but not limited to, the following:

- Project location (i.e., exact street address or map coordinates)
- Total extent of ground disturbance and vegetation clearing
- Extent of modification of existing structures
- Construction equipment to be used, staging areas, etc.
- Year that any affected buildings or structures were built
- Natural, biological, and/or cultural resources present within the project area and vicinity, including wetlands, floodplains, geologic resources, threatened or endangered species, or National Register of Historic Places listed or eligible properties, etc.
- Visual documentation such as good quality, color and labeled site and facility photographs, project plans, aerial photos, maps, etc.
- Alternative ways considered to implement the project (not applicable to procurement of mobile and portable equipment)

For projects that have the potential to impact sensitive resources, FEMA must consult with other Federal, State, and tribal agencies such as the U.S. Fish and Wildlife Service, State Historic Preservation Offices, and the U.S. Army Corps of Engineers, as well as other agencies and organizations responsible for the protection and/or management of natural and cultural resources, including Federally-recognized Indian tribes, Tribal Historic Preservation Offices, and the Department of the Interior, Bureau of Indian Affairs. For projects with the potential to have adverse effects on the environment and/or historic properties, FEMA's EHP review process and consultation may result in a substantive agreement between the involved parties outlining how the recipient will avoid the effects, minimize the effects, or, if necessary, compensate for the effects. Recipients who are proposing communication tower projects are encouraged to complete their Federal Communications Commission (FCC) EHP process prior to preparing their EHP review materials for FEMA, and to include their FCC EHP materials with their submission to FEMA. Completing the FCC process first and submitting all relevant EHP documentation to FEMA will help expedite FEMA's review.

Because of the potential for adverse effects to EHP resources or public controversy, some projects may require an additional assessment or report, such as an Environmental Assessment, Biological Assessment, archaeological survey, cultural resources report, wetlands delineation, or other document, as well as a public comment period. Recipients are responsible for the preparation of such documents, as well as for the implementation of any treatment or mitigation measures identified during the EHP review that are necessary to address potential adverse impacts. Recipients may use these funds toward the costs of preparing such documents. The use of awarded funds for mitigation or treatment measures that are not typically allowable expenses will be considered on a case-by-case basis. Failure of the recipient to meet Federal, State, local and territorial



EHP requirements, obtain required permits, and comply with any conditions that may be placed on the project as the result of FEMA's EHP review may jeopardize Federal funding.

Recipients shall not undertake any project without the prior approval of FEMA, and must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project description will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the recipient must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify their FEMA Program Office, and the appropriate State Historic Preservation Office. Any projects that have been initiated prior to approval will result in a non-compliance finding and will not be eligible for funding.

For more information on FEMA's EHP requirements, Recipients should refer to FEMA's Information Bulletin #329, *Environmental Planning and Historic Preservation Requirements for Grants*, available at <http://ojp.usdoj.gov/odp/docs/info329.pdf>. Additional information and resources can also be found at <http://www.fema.gov/plan/ehp/ehp-applicant-help.shtm>.

### C. Reporting Requirements

Reporting requirements must be met throughout the life of the cooperative agreement (refer to the program guidance and the special conditions found in the award package for a full explanation of these requirements). Any reports or documents prepared as a result of this cooperative agreement shall be in compliance with Federal "plain English" policies, directives, etc. Please note that PARS contains edits that will prevent access to funds if reporting requirements are not met on a timely basis.

- 1. Federal Financial Report (FFR) – required quarterly.** Obligations and expenditures must be reported on a quarterly basis through the FFR (SF-425), which replaced the SF-269 and SF-272, which is due within 30 days of the end of each calendar quarter (e.g., for the quarter ending March 31, the FFR is due no later than April 30). A report must be submitted for every quarter of the period of performance, including partial calendar quarters, as well as for periods where no activity occurs. Future awards and fund draw downs may be withheld if these reports are delinquent. The final FFR is due 90 days after the end date of the performance period.

#### **FFRs must be filed according to the schedule below:**

FFRs must be filed electronically through PARS

Reporting periods and due dates:

- October 1 – December 31; *Due January 30*
- January 1 – March 31; *Due April 30*



- April 1 – June 30; *Due July 30*
- July 1 – September 30; *Due October 30*

- 2. Financial and Compliance Audit Report.** Recipients that expend \$500,000 or more of Federal funds during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with GAO's *Government Auditing Standards*, located at <http://www.gao.gov/govaud/ybk01.htm>, and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, located at <http://www.whitehouse.gov/omb/circulars/a133/a133.html>. Audit reports are currently due to the Federal Audit Clearinghouse no later than nine months after the end of the recipient's fiscal year. In addition, the Secretary of Homeland Security and the Comptroller General of the United States shall have access to any books, documents, and records of recipients of FY 2010 NIMS assistance for audit and examination purposes, provided that, in the opinion of the Secretary or the Comptroller, these documents are related to the receipt or use of such assistance. The recipient will also give the sponsoring agency or the Comptroller, through any authorized representative, access to, and the right to examine all records, books, papers or documents related to the cooperative agreement.

The recipient shall require that sub-recipients comply with the audit requirements set forth in *OMB Circular A-133*. Recipients are responsible for ensuring that sub-recipient audit reports are received and for resolving any audit findings.

- 3. Monitoring.** Recipients will be monitored periodically by FEMA staff, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met.

Monitoring will be accomplished through a combination of desk-based reviews and on-site monitoring visits. Monitoring will involve the review and analysis of the financial, programmatic, performance and administrative issues relative to each program and will identify areas where technical assistance and other support may be needed.

The recipient is responsible for monitoring award activities, to include sub-awards, to provide reasonable assurance that the Federal award is administered in compliance with requirements. Responsibilities include the accounting of receipts and expenditures, cash management, maintaining of adequate financial records, and refunding expenditures disallowed by audits.

- 4. Grant Close-Out Process.** Within 90 days after the end of the period of performance, recipients must submit a final FFR and final progress report detailing all accomplishments throughout the period of performance. After these reports have been reviewed and approved by FEMA, a close-out notice will be completed to close out the award. The notice will indicate the period of performance as closed, list any

remaining funds that will be deobligated, and address the requirement of maintaining the cooperative agreement records for three years from the date of the final FFR. The recipient is responsible for returning any funds that have been drawdown but remain as unliquidated on financial records.

***Required submissions: (1) final SF-425, due 90 days from end of cooperative agreement period; and (2) final progress report, due 90 days from the end of the cooperative agreement period.***

## PART VII.

# FEMA CONTACTS

This Appendix describes several resources that may help applicants in completing an application.

1. **Centralized Scheduling & Information Desk (CSID).** CSID is a non-emergency comprehensive management and information resource developed by DHS for stakeholders. CSID provides general information on all FEMA programs and maintains a comprehensive database containing key personnel contact information at the Federal, State, and local levels. CSID can be reached by phone at (800) 368-6498 or by e-mail at [ASKCSID@dhs.gov](mailto:ASKCSID@dhs.gov), Monday through Friday, 8:00 a.m. - 6:00p.m. EST.
2. **Grant Programs Directorate (GPD).** FEMA GPD will provide fiscal support, including pre- and post-award administration and technical assistance, to the programs included in this solicitation. Additional guidance and information can be obtained by contacting the FEMA Call Center at (866) 927-5646 or via e-mail to [ASK-GMD@dhs.gov](mailto:ASK-GMD@dhs.gov).
3. **Program Office Contact.** Kyle Blackman at [kyle.blackman@dhs.gov](mailto:kyle.blackman@dhs.gov) or telephone (202) 646-4676.

## PART VIII.

# OTHER INFORMATION

- 1. Homeland Security Preparedness Technical Assistance Program (HSPTAP) and Planning Support.** The HSPTAP provides direct support assistance on a first-come, first-served basis (and subject to the availability of funding) to eligible organizations to enhance their capacity and preparedness to prevent, protect against, respond to, and recover from terrorist and all hazard threats. In addition to the risk assessment assistance already being provided, FEMA also offers a variety of other direct support assistance programs.

The HSPTAP also provides access to planning support. The planning support aids jurisdictions by increasing their understanding of the complex issues faced in planning for various hazards and threats. This support includes leveraging subject matter experts from around the country as well as enabling knowledge transfer from jurisdiction to jurisdiction.

More information can be found at [http://www.fema.gov/about/divisions/pppa\\_ta.shtm](http://www.fema.gov/about/divisions/pppa_ta.shtm) or by e-mailing [FEMA-TARequest@fema.gov](mailto:FEMA-TARequest@fema.gov).

- 2. Lessons Learned Information Sharing (LLIS) System.** LLIS is a national, online, secure website that houses a collection of peer-validated lessons learned, best practices, and other relevant homeland security documents. LLIS facilitates improved preparedness nationwide by providing response professionals with access to a wealth of validated front-line expertise on effective planning, training, equipping, and operational practices for homeland security.

The LLIS website also includes a national directory of homeland security officials, as well as an updated list of homeland security exercises, events, and conferences. Additionally, LLIS includes online collaboration tools, including secure email and message boards, where users can exchange information. LLIS uses strong encryption and active site monitoring to protect all information housed on the system. The LLIS website is <http://www.llis.gov>.

- 3. Information Bulletins.** Information Bulletins (IBs) provide important updates, clarifications and policy statements related to FEMA programs. Recipients should familiarize themselves with the relevant publications. Information Bulletins can be found at: <http://www.fema.gov/government/grant/bulletins/index.shtm>.